

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

(1) LYLE MOFFITT and (2) NAKITA)	
MOFFITT,)	
)	
Plaintiffs,)	
)	
v.)	Case No.: 17-cv-00411-CVE-mjx
)	(Removed from Tulsa County
(3) STATE FARM FIRE & CASUALTY)	District Court, Case No.
COMPANY, a foreign corporation,)	CJ-2017-02115)
)	
Defendant.)	

NOTICE OF REMOVAL

COMES NOW Defendant State Farm Fire & Casualty Company (“State Farm”) and, pursuant to 28 U.S.C. §§ 1441(a) and 1446(b)(2)(A), Fed.R.Civ.P. 81 and LCvR 81.2, removes this case from the District Court of Tulsa County, State of Oklahoma. In support thereof, State Farm would show as follows:

I. FACTS SUPPORTING REMOVAL:

1. On May 31, 2017, Plaintiffs Lyle Moffitt and Nakita Moffitt filed this action in the District Court of Tulsa County, State of Oklahoma. The case filed by Plaintiffs was assigned Case No. CJ-2017-02115. (Exhibit 1 – Plaintiffs’ Petition.)

2. Plaintiffs caused summons to be issued and, on June 23, 2017, State Farm was served with the Petition and Summons via service on the Oklahoma Insurance Commissioner.

3. This Notice of Removal is timely filed in that it was filed within thirty (30) days of the date on which State Farm was served with Plaintiffs' Petition. 28 U.S.C.A. § 1446(b).

4. This Court has jurisdiction over this action, as shown below, based on 28 U.S.C. § 1332, because the parties are citizens of different states and the amount in controversy is excess of \$75,000, exclusive of interest and costs.

5. Plaintiffs are, upon information and belief, residents and citizens of the State of Oklahoma. (Exhibit 1, p. 1, ¶ 1.)

6. State Farm is a corporation organized under the laws of the State of Illinois with its principal place of business in Bloomington, McLean County, Illinois. (Exhibit 1, p. 1, ¶ 2.)

7. Plaintiffs admit, in their Petition, that they are seeking damages in excess of the amount required for diversity jurisdiction under 28 U.S.C.A. § 1332. (Exhibit 1, p. 1, ¶ 3 and p. 5.)

8. Accordingly, because there is complete diversity among the parties and because Plaintiffs are seeking damages in excess of \$75,000, the Court has jurisdiction over this matter under 28 U.S.C.A. § 1332 and removal is proper under 28 U.S.C.A. § 1441(a).

II. DOCUMENTS FILED IN STATE COURT:

Pursuant to 28 U.S.C.A. §§ 1446(a), 1449 and LCvR 81.2, the only documents filed in the District Court of Tulsa County, Oklahoma are Plaintiffs' Petition (Exhibit 1). A

copy of the Docket Sheet for Case No. CJ-2017-02115 from the District Court of Tulsa County, Oklahoma is attached hereto as Exhibit 2.

There are no motions pending in the case at the time of the filing of this Notice of Removal.

III. JURY TRIAL DEMAND:

Plaintiffs did not demand a jury trial in state court prior to removal. Pursuant to Fed.R.Civ.P. 38 and 81(c)(3) and LCvR 81.1, State Farm demands a jury trial of this removed case.

IV. NOTICE TO STATE COURT:

Pursuant to 28 U.S.C.A. § 1446(d), a copy of this Notice of Removal is being mailed to the opposing party and to the Court Clerk for the District Court of Tulsa County, Oklahoma.

CONCLUSION

WHEREFORE, Defendant State Farm Fire & Casualty Company respectfully removes this action from the District Court of Tulsa County, Oklahoma to the United States District Court for the Northern District of Oklahoma.

Respectfully submitted,

/s/ Michael W. Brewer

Michael W. Brewer, OBA No. 11769

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of July, 2017, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Scott L. Tully

P.O. Box 2141

Broken Arrow, OK 74011

ATTORNEY FOR PLAINTIFFS

This will further certify that a true and correct copy of the above and foregoing *Notice of Removal* was mailed postage prepaid on this 13th day of July, 2017, to the following:

Don Newberry, Court Clerk

Tulsa County Court Clerk

500 S. Denver Ave.

Tulsa, Oklahoma 74103

/s/ Michael W. Brewer

Michael W. Brewer